

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

Translation

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

Applicant's or agent's file reference

IHT-19-WO

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2004/006365

International filing date (day/month/year)

12.06.2004

Priority date (day/month/year)

24.07.2003

International Patent Classification (IPC) or both national classification and IPC

Applicant

STIFTUNG INSTITUT FÜR WERKSTOFFTECHNIK

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

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Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language:
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-11	YES
	Claims	NO
Inventive step (IS)	Claims 1-11	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-11	YES
	Claims	NO

2. Citations and explanations:

See supplemental sheet

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

See supplemental sheet

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

The application relates to a process for the micro-machining of metallic workpieces, in which, prior to the material-removing machining, in a first step the workpiece is subjected to a thermochemical surface layer treatment. The subject matter of claims 1 and 7 (process and product) can be regarded as novel since it is not disclosed in any of the documents from the available prior art (PCT Article 33(2)).

The effect of the thermochemical surface layer treatment which forms the distinguishing feature with respect to the prior art is that workpieces made from metal or metal alloys can be machined using a low-wear micro-machining process. This solves the problem of micro-machining of metals, in particular steel (PCT Article 33(3)).

Pages 2 and 3 of the description reveal that the following feature is essential to the definition of the invention:

(1) the depth of cuts made in the workpiece using the diamond tool is less than the thickness of the thermochemical treated surface zones.

Since independent claims 1 and 7 do not contain this feature, they do not meet the requirement of PCT Article 6 in conjunction with PCT Rule 6.3(b) that each independent claim must include all the technical features essential to the definition of the invention.